

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

455B0657

HOUSE BILL NO. 1272

Introduced by: Representatives Fiegen, Derby, Matthews, Smidt, and Van Gerpen and Senators Lawler, Everist, Hainje, and Munson (David)

1 FOR AN ACT ENTITLED, An Act to require certain children in passenger vehicles to be in a
2 child passenger restraint system.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-37-1 be amended to read as follows:

5 32-37-1. Any operator of any passenger vehicle transporting a child under five years of age
6 on the streets and highways of this state shall properly secure the child in a child passenger
7 restraint system according to its manufacturer's instructions. The child passenger restraint system
8 shall meet Department of Transportation Motor Vehicle Safety Standard 213 as in effect
9 January 1, ~~1984~~ 1981. The requirements of this section are met if the child is ~~at least two and~~
10 under five years of age and is at least forty pounds in weight by securing the child in a seat belt.

11 An operator who violates this section commits a petty offense.

12 Section 2. That § 32-37-2 be amended to read as follows:

13 32-37-2. The provisions of § 32-37-1 do not apply:

14 (1) ~~To drivers licensed in another state or jurisdiction;~~

15 ~~— (2) — If the child's personal needs are being attended to by someone other than the driver;~~

- 1 ~~(3)~~ If all seating positions equipped with ~~child passenger restraint systems or seat belts~~
2 are occupied; or
3 ~~(4)~~(2) In passenger cars manufactured before 1966 that have not been equipped with seat
4 belts.